

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

STEVEN ANTHONY FORD,

Movant,

vs.

No. CV 16-01181 JAP/KBM
No. CR 08-00229 JAP

UNITED STATES OF AMERICA,

Respondent.

ORDER DIRECTING ANSWER AND SETTING BRIEFING SCHEDULE

This matter is before the Court *sua sponte* under rule 4(b) of the Rules Governing Section 2255 Cases, on Defendant Ford's Motion to Correct Sentence Pursuant to 28 U.S.C. § 2255. (CV Doc. 1, CR Doc. 168). The Court will direct the United States to answer Ford's motion and will set a briefing schedule to address issue of timeliness of his § 2255 motion.

Ford seeks relief under 28 U.S.C. § 2255 based on the U.S. Supreme Court's decision in *Johnson v. United States*, 135 S.Ct. 2551 (2015). (CV Doc. 1 at 1). This is Ford's second § 2255 motion and it was authorized by the United States Court of Appeals for the Tenth Circuit on September 26, 2016. (CR Doc. 167). In the Order of authorization, the Tenth Circuit stated "Movant is authorized to file in the district court a second-or-successive § 2255 motion raising his *Johnson* claim and any claims related to the timeliness of the now-authorized successive § 2255 motion." (CR Doc. 167 at 2). Ford's Motion addresses the merits of his claim for relief under *Johnson*, but does not address the question of the timeliness of his motion under 28 U.S.C. § 2255(f).

IT IS ORDERED: (1) the Clerk is directed to forward to the United States of America a copy of Defendant Ford's Motion to Correct Sentence Pursuant to 28 U.S.C. § 2255. (CV Doc. 1, CR Doc. 168) together with a copy of this Order; and (2) the United States is directed to file its answer to Ford's Motion within twenty-one (21) days of entry of this Order.

IT IS FURTHER ORDERED: (1) Ford shall file a memorandum brief addressing the timeliness under 28 U.S.C. § 2255(f) of his Motion within twenty-one (21) days of entry of this Order; (2) the United States shall file a memorandum brief in response within fourteen (14) days of service of Ford's memorandum brief; and (3) Ford shall file a reply to the United States' response within fourteen (14) days of service of the response.


UNITED STATES CHIEF MAGISTRATE JUDGE